

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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FIBER TECHNOLOGIES NETWORKS, L.L.C.	)	
140 Allens Creek Road	)	
Rochester, NY 14618	)	
	)	
Complainant,	)	
	)	
v.	)	D.T.E. 01-70
	)	
TOWN OF SHREWSBURY ELECTRIC	)	
LIGHT PLANT	)	
100 Maple Avenue	)	
Shrewsbury, MA 01545-5398	)	
	)	
Respondents.	)	
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**THIRD SET OF INFORMATION REQUESTS OF FIBER TECHNOLOGIES  
NETWORKS, L.L.C. TO TOWN OF SHREWSBURY ELECTRIC LIGHT PLANT**

Fiber Technologies Networks, L.L.C. requests that the Town of Shrewsbury Electric Light Plant provide the data, information, and documents described below. Fibertech incorporates by reference the Department's Ground Rules concerning information requests.

**Instructions and Definitions**

The Definitions and Instructions in the First and Second Sets of Information Requests of Fiber Technologies Networks, L.L.C. to Town of Shrewsbury Electric Light Plant apply to these requests. In addition, "Mr. Josie" refers to Thomas R. Josie. The "Josie Testimony" refers to the Prepared Direct Testimony of Thomas R. Josie on Behalf of Shrewsbury's Electric Light Plant filed November 16, 2001.

To the extent that any request calls for the production of documents already produced, SELP may respond by referring to such document with sufficient precision to identify it.

### **INFORMATION REQUESTS**

- 3-1. Please describe any experience Mr. Josie has drafting or negotiating pole attachment agreements or pole attachment rates.
- 3-2. Refer to page 1, line 16 through page 2, line 2 of the Josie Testimony.
  - (a) Please state (1) when SCC began providing Internet service and long-distance telephone service, (2) the number of customers for each such service, and (3) whether such customers include commercial customers.
  - (b) Please state whether customers of traditional CATV video services include bulk customers (such as multiple dwelling unit owners, developers, or institutional and commercial establishments such as hospitals and hotels) and, if so, please state the number of such bulk customers SCC has.
- 3-3. Refer to page 2, lines 5 through 12 of the Josie Testimony.
  - (a) Please identify the members of the SELP Board of Commissioners.
  - (b) Please produce copies of the form of service agreements with customers of electric, cable television, Internet, and long-distance telephone service.
- 3-4. Refer to page 3, lines 10 through 18 of the Josie Testimony.
  - (a) Please state what were the “certain terms and conditions” on which SELP might permit fiber systems to attach to its poles, and produce any documents reflecting or referring to such terms and conditions.

- (b) Please produce the opinion of SELP's counsel referred to, and state whether such opinion has been furnished to (1) the Town of Shrewsbury or any its employees or agents, (2) any other municipal light department, and (3) any other person not employed by SELP.
  - (c) If the answer to (b) is affirmative in any respect, please identify each person or entity to which it was furnished and state when and why it was furnished.
- 3-5. Refer to page 3, line 21 through page 4, line 1 of the Josie Testimony. Please state how Mr. Josie or SELP determined what are "market rates" for the rights to attach to SELP's poles, what such rates are, and produce all documents reflecting or referring to such rates.
- 3-6. Refer to page 4, line 12 of the Josie Testimony. Please explain the basis for the \$4.80 per pole rate referred to.
- 3-7. Refer to page 5, lines 16 through 17 of the Josie Testimony. Please describe the terms and conditions of the proposal referred to, and produce all documents reflecting or referring to such proposal.
- 3-8. Refer to page 6 lines 20 through 21 of the Josie Testimony.
  - (a) Please define "phone services" as used therein.
  - (b) Please specify whether such services include only services to end users that use a telephone.
- 3-9. Please refer to page 8, line 6 of the Josie Testimony.
  - (a) Please produce any documents reflecting or referring to the advice of counsel referred to.

- (b) Please state whether such advice has been furnished in any form to (1) the Town of Shrewsbury or any of its employees or agents, (2) any other municipal light department, and (3) any other person not employed by SELP.
  - (c) If the answer to (b) is affirmative in any respect, please identify each person or entity to which it was furnished and state when and why it was furnished.
- 3-10. Please identify the handwriting on the document attached as Attachment A.
- 3-11. Refer to the document attached as Attachment B. Please identify the author and date of this document and the handwriting that appears on the second page of the document, and explain the purpose for which this document was written.
- 3-12. Refer to the document attached as Attachment C. Please identify the author and date of this document, and explain the purpose for which this document was written.
- 3-13. Refer to SELP's response to Fibertech 1-2. Explain the basis on which SELP concludes that MCI WorldCom is a company that appears to transmit intelligence by telephone to end-users in Massachusetts, and produce all documents referring to or reflecting such information to that effect.
- 3-14. Refer to SELP's response to Fibertech 1-5.
  - (a) With respect to the use of fiber optic cable by SELP's electric division and SCC, please state (a) the number of fiber miles for each entity, (b) how long such entity has used fiber optic cable and the uses of such fiber optic cable.

- (b) Please state whether this fiber optic cable is used to transmit intelligence.
  - (c) Please specify the electronic equipment used to activate these fibers and transmit intelligence, if any.
  - (d) Please state whether this fiber optic cable has any uses other than to transmit intelligence.
- 3-15. Please state whether SELP is aware of any telecommunications providers that offer leasing of fiber optic capacity.
- 3-16. Please state whether SELP takes the position that the fact that such providers lease fiber optic capacity means that such providers are not common carriers.

Respectfully submitted,

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